

**COLORADO STATE BOARD OF PHARMACY**  
**August 20, 2009**

**Minutes**

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, R.Ph., at approximately 10:00 a.m. on Thursday, August 20, 2009 at Regis University, Carroll Hall, Room 125, 3333 Regis Blvd., Denver, CO 80221. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., Katherine Edelblut, R.Ph., Leonard Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Mark O'Neill, R.Ph., Inspector; Susan Martin, R.Ph., Inspector; and Tia Johnson, Complaint/Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General to advise the Board.

**APPROVAL OF MINUTES**

The Board approved the minutes from the July 13, 2009 and July 16, 2009 meetings as drafted.

**ADDITIONS TO THE AGENDA**

None

**APPEARANCES**

None

**HEARINGS**

None

**REPORTS**

**President's Remarks**

Mr. Limberis told the Board members a "success" story from the Prescription Drug Monitoring Program ("PDMP").

**Program Director's Report**

Ms. Anderson discussed information from the Centers for Disease Control and Prevention and the distribution of the H1N1 Influenza vaccine. Ned Calonge, M.D., the Chief Medical Officer at the Colorado Department of Public Health and Environment was present and addressed the Board. Four distribution centers are being set up throughout the country that will handle H1N1 vaccine exclusively during this emergency situation. After due consideration, the Board voted that the distribution of H1N1 vaccine did not constitute wholesale distribution and therefore, no wholesale registration was needed for such distribution. The Board noted that "Wholesale Distribution" does not include the distribution of a prescription drug for emergency medical reasons or during a state or

national declaration of emergency. Consequently, no licensure or registration would be needed from the Colorado State Board of Pharmacy for the distribution of H1N1 Influenza vaccine.

The Board then considered proposed changes to rules 5.00.00, 14.00.00, 15.00.00, 16.00.00, and 19.00.00. After due consideration, the Board voted to move the changes to hearing.

The Board directed staff to propose rule changes to require any pharmacy that handles vaccines to monitor its refrigerator temperatures daily.

Ms. Anderson informed the Board that the Division is no longer printing wall certificates for pharmacists. The printing of certificates for those individuals who desire them has been outsourced to an outside vendor. Information can be found on the Division's website.

Ms. Anderson then informed the Board that a new law had gone into effect requiring changes as to how executive sessions were to be handled. She explained that the complete Executive Session would be recorded. Assistant Attorney Jo Kaye provided the Board with an updated script for the motion to go into Executive Session.

Ms. Anderson reminded the Board members that some of them were registered to attend the Council on Licensure, Enforcement, and Regulation Conference in Denver in early September. She requested that these members inform her if they were unable to attend.

Ms. Anderson discussed the upcoming evaluation by the Accreditation Council for Pharmacy Education ("ACPE") of the University of Colorado Denver School of Pharmacy. ACPE had invited a representative of the Board to observe from September 16-18, 2009. Ms. Anderson noted that the Board's next regularly scheduled meeting is September 17, 2009. Cathy Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, stated that she would check with ACPE and find out if the representative needed to attend all three days or if just two days would be acceptable. She would then provide this information to Ms. Anderson. Mary Arceneaux volunteered to participate should the appropriate arrangements be made with ACPE.

#### **Colorado Pharmacists Society (CPS) – Rich Doyle, RPh**

The next major continuing education ("CE") event will be the 2009 CPS Annual Fall Meeting, September 24-26, 2009 at the Radisson Denver Stapleton Plaza. This year, the meeting will be held in conjunction with the Colorado Society of Parenteral and Enteral Nutrition. The Friday program on September 25<sup>th</sup> will provide education programs for health-system pharmacists and the Saturday program will be for community/retail pharmacists. Twelve hours of ACPE approved continuing education will be provided and details and schedule are posted on the CPS website.

Planning has begun for the 2010 Winter CE Seminar, January 10-13, 2010 at the Avon Westin. Fifteen hours of CE programming will be offered and details will be on the CPS website.

#### **Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh**

None

**Intern & School Relations – Jeannine Dickerhofe, RPh**

Cathy Jarvis, Assistant Dean for the University of Colorado Denver School of Pharmacy reported that the incoming class was the largest ever at 160 students. She further noted that this is the first class that had to meet the increased prerequisites of 90 credit hours prior to admission.

**Legislation - Jeannine Dickerhofe, RPh.**

None

**Rules – Rich Doyle**

None

**Inspectors**

None

**OLD BUSINESS**

**Stipulations**

**Hendrick, James S., RPH 11256**

Mr. Hendrick asked for an extension of time to take and pass the Professional Problem Based Ethics course (“ProBE”). After due consideration of the available information, the Board approved the request to extend the time to take and pass the course until January 15, 2010. The Board also directed staff to notify Mr. Hendrick that should he fail to take and pass the course by January 15, 2010, it may suspend his license or take any such further action it deems necessary.

**St. Vincent General Hospital District, PDO 77-2**

The Board reviewed an Agenda Memorandum from Tia Johnson concerning St. Vincent General Hospital District’s request for discharge from the terms of its Stipulation and Final Agency Order. After due consideration of the available information the Board released St. Vincent General Hospital District from its stipulation.

**Wal-Mart Pharmacy #10-1199, PDO 6-2**

The Board reviewed an Agenda Memorandum from Tia Johnson concerning Wal-Mart Pharmacy #10-1199 request for release from the terms of its Stipulation and Final Agency Order. After due consideration, the Board voted to deny the request. It did direct staff that to release the pharmacy from its probation when the probationary time has passed. Staff does not have to bring the matter back to the Board for review unless there are issues that the Board needs to address.

**NEW BUSINESS**

**Complaints**

**ABC (America's Best Care Plus, Inc.), OSP 5243** **2009-4388**  
After due consideration of the available information, the Board voted to refer the case for discipline.

**Cardinal Health, PDO 149** **2009-3813**  
After due consideration of the available information, the Board voted to refer the case for discipline.

**Stoltz, Bradley P., RPH 16105** **2009-3812**  
After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

**Custom Pharmacy Solutions, L.L.C., OSP 5753** **2009-4021**  
A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Edmisten, Daniel P., RPH 15052** **2010-0234**  
After due consideration of the available information, the Board voted to refer the case for discipline.

In addition, the Board voted to direct Mr. Edmisten to obtain an evaluation from Peer Assistance Services.

**Force, Michael M., RPH 10309** **2009-3972**  
After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

The Board also voted to refer the matter to the Colorado State Board of Nursing.

**Medical Arts Pharmacy Services, Inc., OSP 5693** **2009-3967**  
After due consideration of the available information, the Board voted to refer the case for discipline.

**Meeker Drug, PDO 86-2 (closed)** **2009-3963**  
A motion was made, seconded, and carried to dismiss the case as being without merit. The Board noted that the pharmacy is closed.

**Mills, Ronald V., Jr., RPH 15623** **2009-3407**  
Jeannine Dickerhofe recused.  
A motion was made, seconded, and carried to dismiss the case as being without merit.

**Montez, Salem R., RPH 15006** **2010-0007**  
After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

The Board voted to extend the time for Ms. Montez to take and pass the Professional Problem Based Ethics course ("ProBE") until July 15, 2010. The Board also directed staff to notify Ms. Montez that should she fail to take and pass the course by July 15, 2010, it may suspend her license or take any such further action it deems necessary.

**TheraCom, LLC, OSP 5055**

**2009-3970**

After due consideration of the available information, the Board voted to refer the case for discipline.

**Walgreen Pharmacy #4307, PDO 7-23**

**2009-3220**

After due consideration of the available information, the Board voted to refer the case for discipline.

**Walnutt, Susan E., RPH 9760**

**2009-3894**

A motion was made, seconded, and carried to dismiss the case as being without merit.

**LICENSING**

**Other Outlets, New**

The Board approved the registration of 1 new other outlet.

**Prescription Drug Outlets, New (In-State)**

The Board approved the registrations of 4 new in-state prescription drug outlets.

**Prescription Drug Outlets, New (Out-of-State)**

The Board approved the registrations of 10 new nonresident prescription drug outlets.

**Manufacturers, New**

The Board approved the registrations of 1 new manufacturers.

**Limited Licenses, New**

The Board approved the registrations of 0 new limited licenses.

**Wholesalers, New (In-State)**

The Board approved the registrations of 0 new in-state Wholesalers.

**Wholesalers, New (Out-of-State)**

The Board approved the registrations of 13 new out-of-state Wholesalers.

**Licensure by Examination and Score Transfer**

The Board ratified the licensure of 46 applicants for licensure.

**Licensure by License Transfer**

The Board ratified the licensure of 17 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

**LICENSURE ISSUES**

**Ben Venue Laboratories, Out-of-State Wholesaler Applicant**

After review of the available information, the Board voted to approve the registration.

**Xttrium Laboratories, Inc., Out-of-State Wholesaler Applicant**

After due consideration, the Board voted to deny the application and referred the matter for discipline.

**Burmeister, Cary, Pharmacy Intern Applicant**

After due consideration of the available information, the Board voted to table action on the matter until the applicant has obtained an evaluation from Peer Assistance Services and the Board has reviewed that evaluation.

**Dawson, Bobby, Pharmacy by License Transfer Applicant**

After due consideration of the available information, the board voted to deny the application, noting that the applicant did not meet the requirements of license transfer pursuant to CRS 12-22-116(7).

**MISCELLANEOUS**

**Correspondence, etc.**

**High Plains Community Health Center, Inc. (Other Outlet) & Petition to Reduce Visitation Schedule pursuant to Rule 14.06.00(a)**

After due consideration, the Board denied the request.

**Regis University (Other Outlet) & Petition to Reduce Visitation Schedule pursuant to Rule 14.06.00(a)**

After due consideration, the Board voted to grant the request only for the months of June and July when the student health center is under reduced services.

**7/13/09 FDA News Release: FDA Issues Draft Guidance for Industry on Drug Anti-counterfeiting**

The Board noted the information.

**NABP, Docket No. FDA-2009-N-0143: Risk Evaluation and Mitigation Strategies for Certain Opioid Drugs**

The Board noted the information.

**NABP, Position Statement on the Return and Reuse of Prescription Medications in the Community Pharmacy Setting**

The Board noted the information.

**Peer Assistance Services, 08-09, 4<sup>th</sup> Quarter Report**

The Board noted the information.

**Walgreen Pharmacy (PDO 216)**

The Board reviewed a Memorandum from Mr. Gassen and directed its staff to initiate separate complaints against the registrations of Walgreen Pharmacy (PDO 216), Walgreens Distribution Center (WHO 7161) and Cardinal Health (Pharmaceutical Supply), WHI 6012.

**EXECUTIVE SESSION**

At 12:35 pm, Board President Paul Limberis moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (III) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-6-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS 25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law.

The Board exited Executive Session at 4:05 pm.

**Open Session**

**2009-3697**

Jeannine Dickerhofe recused.

A motion was made, seconded, and carried to dismiss the case as being without merit.

**2009-3701**

Paul Limberis recused.

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**ADJOURNMENT**

The Board adjourned at approximately 4:10 p.m.

*Approved by Paul Limberis, R.Ph., President      Date: September 17, 2009*